

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.21889 of 2015

ORDER:

The petitioner was appointed as a fair price shop dealer of shop No.50 of Thaluru Village of Kanigiri Mandal in Prakasam District. The authorisation of the petitioner was valid till 31.03.2015 and he paid the renewal fee within time. While so, the fifth respondent inspected the shop of the petitioner on 11.05.2015 and found permissible variation of 1.15 quintals against the PDS, AAY rice of 86.60 quintals. Based on the same, proceedings under Section 6A of the Essential Commodities Act were initiated against the petitioner and the same are pending. A show cause notice was issued to the petitioner on 23.05.2015 and the case of the petitioner is that he personally went to the Office of the third respondent and explained the circumstances, but the impugned order, dated 19.06.2015, was passed cancelling the authorisation of the petitioner on the ground that the petitioner did not submit any explanation. Challenging the said order, the present Writ Petition is filed.

A perusal of the impugned order shows that there was only one charge against the petitioner with regard to variation of 1.15 quintals of PDS rice against a total quantity of 86.60 quintals. The said variation is a permissible variation and it should have been noticed by the third respondent. Even assuming that the petitioner did not submit any explanation, the third respondent should have conducted an independent enquiry before coming to the conclusion.

In the absence of any enquiry and in view of the permissible variation, this Court is constrained to set aside the impugned order dated 19.06.2015, and the Writ Petition is, accordingly, allowed. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

15.07.2015
vs

(A.RAMALINGESWARA RAO, J)